

CITY COUNCIL  
ATLANTA, GEORGIA

A RESOLUTION

BY THE PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

AUTHORIZING SETTLEMENT OF ALL CLAIMS  
OF JOE DENNIS GLASS IN THE CASE OF JOE  
GLASS V. OFFICER J. RANDLE-EL, ET AL., CIVIL  
ACTION FILE NO. 1:99-CV-2875-CC, IN THE  
UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF GEORGIA, ATLANTA  
DIVISION, TO CAUSE PAYMENT TO BE MADE IN  
THE AMOUNT OF ONE HUNDRED TWENTY  
THOUSAND DOLLARS (\$120,000.00); AND FOR  
OTHER PURPOSES.

02-*R*-1003

WHEREAS, on November 4, 1999, Joe Dennis Glass initiated the case of Joe Glass v. Officer J. Randle-El, Officer A.C. Senzer, Officers John Does 1-3, and the City of Atlanta, pursuant to 42 U.S.C. §§ 1983 and 1988, alleging violation of his rights under the Fourth and Fourteenth Amendments to the United States Constitution, and under the common law of the State of Georgia; and

WHEREAS, the lawsuit stems from the alleged events surrounding the arrest of Joe Glass on November 15, 1997, at approximately 10:30 p.m., when he was identified shoplifting at the Kroger grocery store, located at 1455 Moreland Avenue; and

WHEREAS, Defendant Jonathan Randle-El, who was then a police officer with the Atlanta Police Department, observed Joe Glass exit the Kroger grocery store after shoplifting several items without paying for them in violation of O.C.G.A. § 16-8-14; and

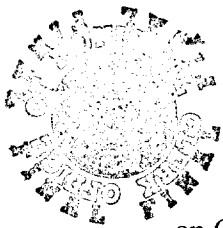
WHEREAS, Officer Randle-El exited the grocery store behind Joe Glass and sought to effectuate his arrest; and

WHEREAS, Joe Glass physically resisted arrest and attempted to flee the scene, and was subsequently arrested after he was discovered hiding in an adjacent wooded area; and

WHEREAS, while the facts regarding what transpired during the course of the arrest are in dispute, during the course of the attempts to effectuate the arrest, Joe Glass sustained an injury beneath his right eye; and

WHEREAS, Officer Randle-El denies he used any force in excess of that which was reasonable and necessary to effectuate the arrest of Joe Glass; and

WHEREAS, after the arrest, Joe Glass was transported to the Grady Memorial Hospital Detention Center, and treated for a zygomatic arch fracture; and



WHEREAS, Joe Glass was convicted of Theft by Shoplifting and Obstruction of an Officer in the Superior Court of Fulton County; and

WHEREAS, while incarcerated in February 1998, Joe Glass underwent surgery to evacuate a subdural hematoma; and

WHEREAS, Joe Glass has been assigned a 50% to 60% disability rating by a neurosurgeon; and

WHEREAS, Joe Glass alleges violations of his Fourth Amendment rights, claiming the use of excessive force during his arrest; and

WHEREAS, the United States District Court for the Northern District of Georgia denied Defendants' Motion for Summary Judgment with respect to the City of Atlanta's municipal liability and Officer Randle-El's claim for qualified immunity and state law immunity, finding that there were genuine issues of material fact regarding whether Officer Randle-El used excessive force in effectuating the arrest of Joe Glass; and

WHEREAS, after participating in a seven hour mediation session in an effort to reach a compromise in this matter, counsel for the parties agreed to settle all claims in this matter for \$120,000.00, including attorneys' fees, contingent upon the approval of the Atlanta City Council and the Mayor; and

WHEREAS, by this settlement, Defendants admit no liability; and

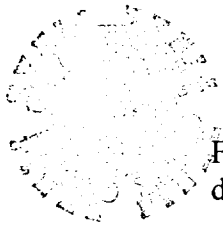
WHEREAS, the City Attorney has done an extensive review of the facts and law and has determined that the City's potential financial exposure is far in excess of the settlement amount; and

WHEREAS, the offer of settlement acceptable to Joe Glass is, in the opinion of the Interim City Attorney, in the City's best interest and appropriate to settle all claims against Defendants arising out of the case of Joe Glass v. Officer J. Randle-El, et al.

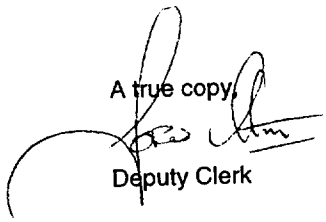
NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA as follows:

SECTION 1. The City Attorney is hereby authorized to conclude settlement of all claims against the City of Atlanta and Officer Jonathan Randle-El arising out of the lawsuit filed by Joe Glass in the United States District Court for the Northern District of Georgia, Civil Action File No. 1:99-CV-2875-CC.

SECTION 2. The Chief Financial Officer is authorized to pay the total sum of ONE HUNDRED TWENTY THOUSAND DOLLARS (\$120,000.00) at the direction of the Interim City Attorney from the account of 1A101-529017-T31001. Payment shall be in the form of one (1) check in the amount of \$120,000.00, payable to "Joe Glass and Loewenthal, Fleming and Fried, P.C." The tax identification number for Loewenthal,



Fleming and Fried, P.C., is 582631886. Such payment will be in full consideration of the dismissal of all claims against the Defendants.

A true copy,  
  
Deputy Clerk

**ADOPTED** by the Council  
**APPROVED** by the Mayor

JUN 17, 2002  
JUN 20, 2002

RCS# 3806  
6/17/02  
2:59 PM

Atlanta City Council

Regular Session

CONSENT I            Pgs. 1-11: Except Certain City Utility  
                         Items  
                         ADOPT

YEAS:    15  
NAYS:    0  
ABSTENTIONS: 0  
NOT VOTING: 1  
EXCUSED: 0  
ABSENT   0

SEE ATTACHED LISTING OF  
ITEMS ADOPTED/ADVERSED  
ON CONSENT AGENDA

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	Y Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	Y Boazman	NV Woolard

ITEM (S) REMOVED FROM  
CONSENT AGENDA

02-O-0164	02-R-1009
02-O-0901	02-R-1010
02-R-0972	02-R-1011
02-R-1004	02-R-1012
02-R-1005	02-R-1023
02-R-1006	02-R-1024
02-R-1007	02-R-1025
02-R-1008	02-R-1026
	02-R-1071

CONSENT I

**06/17/02 Council Meeting**

**ITEMS ADOPTED ON  
CONSENT AGENDA**

1. 02-O-0973
2. 02-O-1036
3. 02-O-0908
4. 02-O-0909
5. 02-O-0956
6. 02-O-1029
7. 02-O-1043
8. 02-R-1000
9. 02-R-1001
10. 02-R-1002
11. 02-R-1003
12. 02-R-1016
13. 02-R-1033
14. 02-R-0676
15. 02-R-1018
16. 02-R-1019
17. 02-R-1069
18. 02-R-1070
19. 02-R-1030
20. 02-R-0978
21. 02-R-0979
22. 02-R-0980
23. 02-R-0981
24. 02-R-0982
25. 02-R-0983
26. 02-R-0984
27. 02-R-0985
28. 02-R-0986

**ITEMS ADVERSED ON  
CONSENT AGENDA**

29. 02-R-0987
30. 02-R-0988
31. 02-R-0989
32. 02-R-0990
33. 02-R-0991
34. 02-R-0992
35. 02-R-0993
36. 02-R-0994
37. 02-R-0995
38. 02-R-0996
39. 02-R-0997
40. 02-R-0998
41. 02-R-0999

02-8-1003

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ADMINISTRATION COMMITTEE

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Approved by:

*Rosalind Rubens Newell*  
ROSALIND RUBENS NEWELL  
INTERIM CITY ATTORNEY

ADOPTED BY

JUN 17 2002

COUNCIL

- ☐ CONSENT REFER  
☐ REGULAR REPORT REFER  
☐ ADVERTISE & REFER  
☐ 1st ADOPT 2nd READ & REFER  
☐ PERSONAL PAPER REFER

Date Referred

Referred To:

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee \_\_\_\_\_  
Date \_\_\_\_\_  
Chair \_\_\_\_\_  
Referred to \_\_\_\_\_

Committee	Date	Chair	Action:	Other:	Members	Refer To
<i>PSL</i>	<i>6/11/02</i>	<i>[Signature]</i>	<i>Fav/Adv, Hold (see rev. side)</i>		<i>[Signature]</i> <i>[Signature]</i> <i>[Signature]</i>	

Committee	Date	Chair	Action:	Other:	Members	Refer To

FINAL COUNCIL ACTION

☐ 2nd ☐ 1st & 2nd ☐ 3rd  
Readings  
☒ Consent ☐ V Vote ☒ RC Vote

CERTIFIED

CERTIFIED  
JUN 17 2002

ATLANTA CITY COUNCIL PRESIDENT

*Catherine W. Wothers*

CERTIFIED  
JUN 17 2002

*Fluck Doughton Johnson*  
MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED  
*[Signature]*  
JUN 20 2002

MAYOR